



**THE CITY OF NEW YORK  
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May 6, 2016

**BY ECF**

Honorable Richard J. Sullivan  
United States District Judge  
40 Foley Square  
New York, NY 10007

Re: Bertolino v. City of New York, et al., 15 Civ. 7327(RJS)

Your Honor:

I am an attorney in the office of the Corporation Counsel of the City of New York, counsel for defendants City of New York and Officers Castillo, Roca, Escalera and Nunez. I write to express my sincerest apologies for having missed the conference that was scheduled for today, May 6, 2016 at 12:00 p.m. When the conference was originally set, I mistakenly put the conference on my calendar for 2:00 p.m. I was both prepared and looking forward to appearing in Court at that time to discuss a case management plan as well as defendants' proposed motion to dismiss portions of the case. When Chambers called, I was participating in a telephone conference with Judge Scanlon in Thomas, et al., v. City of New York, et al., 14-cv-7513-ENV-VMS (EDNY), and was unable to respond to the Court until that conference was completed, at approximately 12:45 p.m. The conference in the Thomas case was scheduled several days after the conference in this case. Had this conference been properly calendared, I would not have scheduled a conference for the same time.

I apologize for the inconvenience this has caused to the Court as well as to my opposing counsel.

Respectfully submitted,

/s

Elissa B. Jacobs

cc: Jeffrey Rothmann, Esq. (by ECF)